THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.6824 of 2006

Dt.06-04-2006

Between:

Smt. E.Thirumala

..Petitioner

and

The Joint collector, Ananthapur and another.

..Respondents.

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.6824 of 2006

Oral Order:

Against the suspension of authorization of fair price shop dealership by the 2nd respondent in Rc.No.D1-CS/1972/2005 dated 16-01-2006 petitioner filed an appeal before the 1st respondent and filed this writ petition for issuing a direction to the 1st respondent to dispose of the appeal at an early date and pending appeal he seeks suspension of the suspension order.

In view of the law declared by the Apex Court in ***BMRDA v. GOKAK PATEL VOLKART***[1] when a statutory appeal is filed and pending the same cannot be a subject matter of writ petition under Article 226 of the Constitution except directing the appellate authority to dispose of the stay petition and the appeal, as the case may be, at an early date.

Accordingly, the 1st respondent is hereby directed to pass appropriate orders on the stay petition, if any, filed by the petitioner seeking suspension of the suspension within a period of two weeks from today and dispose of the appeal within two months from the date of receipt of a copy of this order.

The writ petition is accordingly dismissed. No costs.

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A.GOPAL REDDY, J.

06-04-2006
Note: Issue CC3 days.
(bo)

Murthy

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[1] (1995) 1 SCC 642